

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
February 20, 2002**

Mayor David Dermer  
Vice-Mayor Jose Smith  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

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PA2	Cert. of Apprec./Doce, Johnson, Pryor & Whittinham, Officer/Civilian Of The Year Awards.	
PA3	Proclamation/Wolfsonian-FIU, Chosen as one of the Top Ten Small Museums in the World.	
PA4	Cert. of Apprec./Fine Arts Brd Members/Others, Help Produce-28 <sup>th</sup> Festival of the Arts.	
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### **REDEVELOPMENT AGENCY ITEMS**

2A	Report of Itemized Revenues/Expenditures of RDA for November/December, 2001.	1
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Meeting called to order at 9:24 24 a.m.

Inspirational Message given by Rabbi Neil Turk from Beth Congregational.

Pledge of Allegiance led by Chief De Lucca.

Requests for Additions, Withdrawals, and Deferrals

### **PA - Presentations and Awards**

- PA1 Certificates Of Appreciation To Be Presented To Michelle R. Cullen, Procurement Department And Jorge Pernas, Information Technology Department, In Recognition Of The "At Your Service Awards" For The Month Of January And February, 2002.  
(City Manager's Office)

**ACTION:** Certificates of Appreciation presented.

- PA2 Certificates Of Appreciation To Be Presented To Enrique Doce, Bruce Johnson, Michael Pryor And Tasha Whittinham, For Receiving The Officer Of The Year, Runners Up For Officer Of The Year And Civilian Of The Year Award.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION:** Certificates of Appreciation presented.

- PA3 Proclamation To Be Presented To The Wolfsonian Florida International University, In Recognition For Being Chosen As One Of The Top Ten Small Museums In The World.  
(Requested By Mayor David Dermer)

**ACTION:** Proclamation presented to Cathy Leff.

- PA4 Certificates Of Appreciation To Be Presented To The Fine Arts Board Members And Others, For Their Efforts To Produce The 28<sup>th</sup> Festival Of The Arts.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION:** Certificates of Appreciation presented. Cheryl Jacobs spoke on behalf of the Fine Arts Board.

### **New Item:**

- PA5 Proclamations To Be Presented To The Boys & Girls Clubs, Post Cereal & Fisher Isl. Philanthropic Fund, Helping Children in Our Community.  
(Requested by Commissioner Matti Herrera-Bower)

**ACTION:** Proclamations presented. Jack Langer, President of the Boys and Girls Club stated that the Club has raised \$105,000 for building improvements. He requested the City to contribute \$100,000 for additional improvements. Gene Gitin Spoke.

Barry Golden stated that the field adjacent to their building is empty and asked if the Boys & Girls Club could be allowed to use it (Memorial Field at Flamingo Park), and have access to the pool if it used under strict supervision by the Boys and Girls Club staff. Administration will check into this matter.  
**Kevin Smith to handle.**

**New Item:**

**9:57:45 a.m.**

Mayor Dermer introduced Bubbie Bonnie Lerner and thanked her for the tarts which she offered at the Commission Meeting.

**New Item:**

**9:59:36 a.m.**

Mayor Dermer announced that Charles E. Smith donated \$10,000 for the restoration of the Flagler Monument to help preserve Miami Beach history. Mayor Dermer encouraged other developers to give back to the City.

**City Clerk's Note: ADDENDUM AND SUPPLEMENTAL MATERIAL:** Addendum items C7AA, R9K and R9L, supplemental material on items R5B, R5F, R7I, R7J and R7K. The second page to item "I" was missing from the Agenda Book and distributed with the Supplemental Materials.

**EMERGENCY ITEMS:**

**ACTION:** Motion made by Commissioner Bower to add items R9K, C7AA and R9L as emergency items with a 5/7 vote; seconded by Commissioner Steinberg; Voice-vote: 7-0.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Vice-Mayor Smith; Voice-vote: 7-0.

**C4 - Commission Committee Assignments**

- C4A Referral To The Community Affairs Committee To Review The Administration's Policy Of Requests Made By The Mayor Or A City Commissioner To Place An Item On The City Commission Agenda.  
(City Clerk's Office)

**ACTION: Referred.** Mayra Diaz Buttacavoli to place on the Committee agenda. R. Parcher to handle.

**C6 - Commission Committee Reports**

- C6A Report Of The Finance And Citywide Projects Committee Meeting Of January 23, 2002: **1)** Review And Recommendation Regarding The Use And Methods Of Operation Of The Byron/Carlyle Parking Lot, Located On The Southeast Corner Of 71<sup>st</sup> Street And Byron Avenue.

**ACTION:** Written report submitted.

1. The Committee recommended that the City proceed to refurbish the parking lot and implement

a revenue control system using Parking Enterprise funds. The equipment and methodology of operations will be determined at a later date. **Saul Frances to handle.**

C6B Report Of The Community Affairs Committee Meeting Of January 29, 2002: **1)** Discussion Regarding Volume Services America And SMG Scholarship Funds; **2)** Discussion Regarding Legislation Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **3)** Special Events Policy Regarding Markets; And **4)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment.

**ACTION:** Written report submitted.

1. A motion was made to accept the guidelines established for the scholarship fund proposed by the Administration, Volume Services America, Committee for Quality of Education in Miami Beach, Miami Beach Senior High School, and the Miami Beach Kiwanis Club. (**See Agenda item C7D**).
2. Robert Meyers from the Miami-Dade Ethics Commission presented the status of the County's proposed legislation on the open disclosure of fees paid to lobbyists registered in the City of Miami Beach. Commissioner Bower and Jean Olin, Deputy City Attorney, to attend the County's Workshop to discuss the legislation.

Jean Olin to report back at the Community Affairs Committee's February 2002 meeting on the status or prohibiting anyone involved in the election campaign from soliciting (lobbying) contracts for the City Commission. **Legal Department to handle.**

The Committee decided not to pursue the issue regarding prohibiting "undisclosed bundling" of campaign contribution checks.

3. Commissioner Bower requested the Administration to research how other cities handle permitting of markets and to bring options for permitting of markets to the Community Affairs Committee meeting of February 2002. **James Quinlan to handle. Mayra Diaz Buttacavoli to place on the Committee agenda.**
4. Commissioner Smith is to work with the City Attorney's Office in drafting an ordinance encompassing Commissioner Garcia's desire to establish guidelines for City employees pursuing employment with City vendors, which may be perceived as a conflict of interest as a result of the employees involvement with said vendor while employed with the City of Miami Beach. **Mayra Diaz Buttacavoli to handle.**

C6C Report Of The Neighborhoods Committee Meeting Of January 29, 2002: **1) Discussion Regarding The Camping Ordinance Which Defines And Regulates Camping On Public Property.**

**ACTION:** Written report submitted.

1. The Committee approved minor changes to the ordinance and discussed ordinance provision that would permit designation of specific areas for enforcement of the ordinance with no requirement of an offer of shelter. The Committee decided not to pursue any designation areas at this time, but to leave the language in the ordinance for possible future designation. **(See Agenda Item R5H)**

## **C7 - Resolutions**

**10:05:09 a.m.**

C7A A Resolution Authorizing The City Manager To Execute An Agreement With Daniel Davis, PE And Attorney At Law, To Perform Services Relative To The Investigation And Preparation Of A Written Report Concerning The Proposed Debarment Of REG Architects, Inc., Said Services In An Amount Not To Exceed \$20,000; Approving An Initial Deliverable For \$15,000 And An Allowance Of \$5,000 To Be Approved By The Administration For Additional Services, As Needed; And Further Transferring \$20,000 From The General Operating Fund Contingency To The Capital Improvement Projects Office Professional Services Budget For This Purpose To Cover The Cost Of The Agreement And Contingency.

(Capital Improvement Projects)

**ACTION: Item separated for discussion by Commissioner Gross.** Discussion held. **Resolution No. 2002-24737 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote- 7-0. Patricia Walker to transfer the funds. **Tim Hemstreet and Gus Lopez to handle.**

Commissioner Gross questioned why the City had to hire an attorney to do a report that could have been done in house by the Administration or Legal Department and save \$20,000 of the taxpayer's money.

Mayor Dermer explained that the reason for an independent investigator is to eliminate any improprieties during the process.

Commissioner Bower stated that the Administration needs to review this process and have an investigation done in house first to gather the facts. She suggested that the process be reviewed. In addition she stated that the investigated services need to be bid competitively and awarded on a rotating basis similar to the way the City handle professional consultants.

Commissioner Garcia stated that anyone can bring debarment charges, therefore the process needs to be more cost efficient.

Mayor Dermer added that since this is the first time the process has been used, we should proceed with this action, and if problems occur, corrective action will be taken.

Vice-Mayor Smith stated that this ordinance keeps all parties involved honest. There is also the need to protect individuals by ensuring them due process. This is the best way to keep it fair.

Commissioner Steinberg stated that an initial determination needs to be made by the Administration and/or Legal to make sure that any action brought forward is not frivolous, that way the City does not have to invest on an outside attorney.

Vice-Mayor Smith stated that this is a good test case for a contractor where there is a showing of probable cause, but is not a good test case for a situation where someone has a problem with a construction worker or a construction company.

Vice-Mayor Smith, Commissioner Bower and Commissioner Steinberg stated that there should be a screening process to determine if the debarment actions are warranted before engaging the services of an individual to investigate and prepare a written report.

Commissioner Gross requested the Administration to prepare a package on this debarment action to assist in the investigation for cost savings purposes. **Gus Lopez and Tim Hemstreet to handle.**

- C7B A Resolution Relating To Indemnification Of Legal Expenses Totaling \$1,500 Incurred By Miami Beach Assistant City Manager Mayra Diaz Buttacavoli For Her Retention Of Legal Counsel Concerning A Miami-Dade County State Attorney's Office Investigation Of A Third Party Concerning The Telecommunications Services At The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts Which Ms. Buttacavoli Oversees As Assistant City Manager; Reciting Findings Supporting Said Indemnification.

(City Attorney's Office)

**ACTION: Resolution No. 2002-24738 adopted.** Patricia Walker to handle.

- C7C A Resolution Electing Commissioner Saul Gross As Vice-Mayor For A Term Commencing On March 1, 2002, And Terminating On June 30, 2002, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

**ACTION: Resolution No. 2002-24739 adopted.** Robert Parcher to handle.

- C7D A Resolution Approving The Criteria Established For The Volume Services Of America And SMG Scholarship Program.

(City Manager's Office)

**ACTION: Item withdrawn by the Administration.**

**10:33:58 a.m.**

- C7E A Resolution Authorizing The Mayor And City Clerk To Execute A Change Order (No. 2), In The Amount Of \$42,826.38, To Carivon Construction Company, Pursuant To Bid No. 35-00/01, For Additional Work Required To Complete The Painting And Waterproofing Capital Projects At The Miami Beach Convention Center And Jackie Gleason Theater.

(Convention Center)

**ACTION: Item separated for discussion by Commissioner Gross.** Discussion held. **Resolution No. 2002-24771 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote 7-0. Doug Tober to handle.

Commissioner Gross stated that he received many calls from citizens regarding red paint used to paint the trim of the Convention Center. He stated that the City should follow the same rules it imposes on private citizen.

Doug Tober with SMG explained that the Convention Center has all the permits approving the color of paint used on the Convention Center.

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute A Change Order (No. 4), In The Amount Of \$11,174 To Milliken/Sylvan Chemical Co., Pursuant To State Contract No. 360-240-00-1, For The Supply And Installation Of Broadloom Carpet At The Miami Beach Convention Center.  
(Convention Center)

**ACTION: Resolution No. 2002-24741 adopted.** Doug Tober to handle.

- C7G A Resolution Approving And Authorizing The Placement Of Forty-Three (43) Banners For South Beach Wine And Food Festival, To Be Held March 15, 2002 To March 17, 2002, As Requested By The Applicant At The Following Locations: Macarthur Causeway, Between The Coast Guard Station And Alton Road; 5th Street, Between Alton Road And Ocean Drive; Washington Avenue, Center Poles Between 8th Street And 16th Street; Collins Avenue; Between 8th Street And 16th Street; Alton Road, Between 5th Street And 17th Street; Arthur Godfrey (41<sup>st</sup> Street), At Alton Road; And Julia Tuttle Causeway; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than February 21, 2002, And Removed By March 20, 2002.  
(Cultural Affairs & Tourism Development)

**ACTION: Resolution No. 2002-24742 adopted.** James Quinlan to handle.

Handout:

1. Color Picture of the banner



- C7H A Resolution Retroactively Authorizing The City Manager, Or His Designee, To Submit A Grant Application To The Medtronic Foundation, For Funds Not To Exceed Six Thousand Dollars, The Funds To Be Used In Support Of The Miami Beach Heart Safe Community Program; And To Appropriate The Funds, If Awarded.

(Grants Management)

**ACTION: Resolution No. 2002-24743 adopted.** Chief Jordan and Patricia Walker to handle.

- C7I A Resolution Authorizing, Retroactively, The Filing Of A Grant, And If Funded, Authorizing The Budgeting And Expenditure Of Grant Funds, From The United States Department Of Justice, Office Of Justice Programs, Under The "Grants To Encourage Arrest Policies And Enforcement Of Protection Orders Program," In The Amount Of \$556,345.95.

(Grants Management)

**ACTION: Resolution No. 2002-24744 adopted.** Patricia Walker and Chief De Lucca to handle.

- C7J A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The U.S. Department Of Commerce, Economic Development Administration (EDA), In An Amount Not To Exceed \$1,100,000 For The Renovation Of The Byron-Carlyle Theater; Further Appropriating The Grant, If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Resolution No. 2002-24745 adopted.** Mayra Diaz Buttacavoli to submit grant application. Patricia Walker to appropriate the funds if approved. Christina Cuervo to handle.

- C7K A Resolution Authorizing The City Manager, Or His Designee, To Submit Three Grant Applications To The Florida Department Of Community Affairs Emergency Management Preparedness And Assistance Trust Fund Grant Program, The Funds Will Enhance The Goals Of The City Local Mitigation Strategies, While Leveraging Existing General Obligation Bond Dollars And Utilizing Departmental Revenues As Matching Funds; And To Appropriate The Funds, If Awarded.

(Grants Management)

**ACTION: Resolution No. 2002-24746 adopted.** Mayra Diaz Buttacavoli to submit grant applications. Patricia Walker to appropriate the funds, if awarded. Chief De Lucca and Chief Jordan to handle.

**10:36:36 a.m.**

- C7L A Resolution Authorizing The City Manager Or His Designee To Submit An Application For Grant Funds To The Miami Beach Visitor And Convention Authority (VCA), FY 2001-02 Tourism Advancement Program, In The Amount Not To Exceed \$25,000 For Funding Of The City's "An American Celebration 2002," 4<sup>th</sup> Of July Event On Ocean Drive; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Item separated for discussion by Commissioner Gross.**

**Mayor Dermer requested deferring this item pending the Administration requesting the \$25,000 from the Greater Miami Convention and Visitors Bureau (GMCVB). Christina Cuervo to handle.**

Commissioner Gross stated his opposition to the City requesting grants from the VCA. He explained that the City should fund this out of the General Fund or find some other way rather than using VCA monies.

Mayor Dermer stated that the City gives the GMCVB over \$6 million dollars the Bureau should grant the City the monies. He instructed the Administration to request \$25,000 of the City money to fund this event.

Handout:

1. Letter from Jorge M. Gonzalez, City Manager, to Bill Talbert, President and CEO, Greater Miami Convention and Visitors Bureau, dated February 20, 2002, RE: Request for \$25,000 funding for the fireworks display.

- C7M A Resolution Authorizing The City Manager, Or His Designee, To Submit A Grant Application To The Metlife Foundation For Grant Funds Up To Thirty Thousand Dollars, To Enhance Current Funding Of The Police Citizen Academy; And To Appropriate The Funds, If Awarded.

(Grants Management)

**ACTION: Resolution No. 2002-24747 adopted.** Mayra Diaz Buttacavoli to submit grant application. Patricia Walker to appropriate the funds if awarded, and Chief De Lucca to handle.

- C7N A Resolution Authorizing The Mayor And City Clerk To Execute A First Amendment To The Home Investment Partnerships (HOME) Program Agreement, Dated June 6, 2001, Between The City Of Miami Beach And Miami Beach Community Development Corporation (MBCDC) Providing \$614,913 From The \$800,000 HOME CHDO Funds Previously Allocated To MBCDC By The City's One Year Action Plan For FY 2001/2002, Towards The Cost Of The Acquisition And Rehabilitation Of The An Apartment Building Located At 532 Michigan Avenue, Miami Beach, To Provide An Estimated Eighteen (18) Rental Units For Income-Eligible Elderly Tenants In Accordance With The HOME Program Requirements.

(Neighborhood Services)

**ACTION: Resolution No. 2002-24748 adopted.** Vivian Guzman to handle.

- C7O A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Home Investment Partnerships (HOME) Program Agreement With Miami Beach Community Development Corporation (MBCDC), Providing A Total Of \$333,300 In HOME Program Funds From The Home Program Notice Of Funding Availability (NOFA) For Fiscal Year 2000/2001, Towards The Cost Of The Acquisition And Rehabilitation Of The Apartment Building Located At 530 Michigan Avenue, Miami Beach, To Provide Nine (9) Rental Units For Income-Eligible Elderly Tenants In Accordance With The HOME Program Requirements; Further, Approving A One-Time Only Assignment Of This Agreement To MBCDC: 532 Michigan Avenue, LLC., A Not-For-Profit Entity Created By MBCDC As A Successor In Interest In Title

To The Property Located At 530 Michigan Avenue And Under This Agreement.  
(Neighborhood Services)

**ACTION: Resolution No. 2002-24749 adopted.** Vivian Guzman to handle.

- C7P A Resolution Setting A Public Hearing To Consider An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 2, "Single Family Residential Districts", By Creating Procedures For The Review Of Demolition Requests For Historically Significant Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District.  
(Planning Department)

**ACTION: Resolution No. 2002-24750 adopted.** Public hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7Q A Resolution Setting A Public Hearing To Consider The Proposed Designation Of The Flagler Memorial And Monument Island As An Historic Site By Amending Subpart B Of The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-593, "Historic Preservation Designation," Subsection 118-593(E), "Delineation On Zoning Map" By Designating The Flagler Memorial And Monument Island As An Historic Site To Be Known As The "Flagler Memorial And Monument Island Historic Site," Located Between The Macarthur And Venetian Causeways In Biscayne Bay, As More Particularly Described In The Ordinance.  
(Planning Department)

**ACTION: Resolution No. 2002-24751 adopted.** Public hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

City Clerk's note: Public hearing noticed in Miami Herald Neighbors on Thursday, February 14, 2002, page 14 for March 20, 2002 at 5:01 p.m.

- C7R A Resolution Setting A Public Hearing To Consider The Proposed Designation Of The 69th Street Fire Station By Amending Subpart B Of The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-593, "Historic Preservation Designation," Subsection 118-593(E), "Delineation On Zoning Map" By Designating The 69th Street Fire Station (Now Known As Fire Station No. 4) As An Historic Site To Be Known As The "Historic 69th Street Fire Station," Located At 6860 Indian Creek Drive, As More Particularly Described In The Ordinance.  
(Planning Department)

**ACTION: Resolution No. 2002-24752 adopted.** Public hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

City Clerk's note: Public hearing noticed in Miami Herald Neighbors on Thursday, February 14, 2002, page 19 for March 20, 2002 at 5:05 p.m.

Handout:

1. Letter from R. de la Vega to the City Commission, in care of the City Clerk, dated February 18, 2002, RE: Zoning Map Change

- C7S A Resolution Setting A Public Hearing For March 20, 2002, To Consider, Pursuant To Section 255.20 (a)(10), Florida Statutes, And Chapter 2, Article VI, Division 3, Section 2-367 (e) Of The Miami Beach City Code, Respectively, A Waiver, By 5/7ths Vote, Of The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City; Specifically, To Consider The Award Of A Construction Contract For The Construction Of The Sunset Harbour Neighborhood Drainage Improvements Project, With An Estimated Project Cost Between \$300,000 And \$400,000, To RIC-Man International, Inc.; If Approved, Authorizing The Appropriation Of Such Funds From The Series 2000 Stormwater Bond Fund 428 And Stormwater Utility Operating Fund 427.  
(Public Works)

**ACTION: Resolution No. 2002-24753 adopted.** Public hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

**City Clerk's note: Public hearing notice to be published at least 14 days prior to the public hearing.**

- C7T A Resolution Authorizing The Award Of A Change Order In The Amount Of \$141,000, To Metcalf & Eddy, Inc., For The Construction Of The Stormwater Drainage System At The Normandy Shores Golf Course Maintenance Yard, Required By The Miami-Dade County Department Of Environmental Resources Management As Part Of The Approved Hazardous Waste Remedial Action Plan For The Facility.  
(Public Works)

**ACTION: Resolution No. 2002-24754 adopted.** Fred Beckmann to handle.

- C7U A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Joint Participation Agreement (JPA) With The Florida Department Of Transportation (FDOT), Which Awards \$139,993 In Fiscal Year 2001-02 Service Development Funds To The Washington Avenue Route Of The Electrowave Shuttle Service; And Appropriating The Funds As Part Of The 2001-02 Electrowave Operating Budget, Which Was Adopted By Resolution No. 2001-24586, Dated September 21, 2001.  
(Public Works)

**ACTION: Resolution No. 2002-24755 adopted.** Patricia Walker and Fred Beckmann to handle.

**10:40:56 a.m.**

- C7V A Resolution Awarding A Contract To Laumar Roofing South Inc., In The Amount Of \$282,345 For The Partial Replacement Of The Roof And The Partial Replacement Of The Air Conditioning Equipment At The Byron Carlyle Theater.  
(Public Works)

**ACTION: Item separated for discussion by Commissioner Gross.** Discussion held.

**Item Deferred.** Motion made by Commissioner Bower to defer; seconded by Commissioner Gross; Voice vote: 7-0. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, explained that the item authorizes to proceed with the work. (See Resolution No. 2001-24677 adopted on November 28, 2001.) The Administration does not have the funding to proceed with all the work needed for the Byron-Carlyle for the long term. This simply will allow the users to have the use of this facility.

Commissioner Gross stated that if the roof needs to be replaced to protect the City's assets, then it should be done; however, he was concerned that the air conditioning equipment was also being replaced.

Fred Beckmann, Public Works Director, recommended replacing the air conditioning at the same time the roof is being replaced.

Vice-Mayor Smith stated that the City made a commitment to proceed with this work and added that there are tenants living there. He believes this is a worthy project.

Commissioner Cruz stated that this is a very worthy project, however, the City needs to be mindful of its finances. There will be an operating deficit. He requested the Administration to develop an overall strategy for the Byron and Carlyle Theater. **Christina Cuervo to handle.**

Commissioner Bower is also concerned with a future deficit. She stated she had previously stated that the parcels use must be looked at holistically rather than just from the perspective of the arts and that a private entity(s) should be considered. She stated that, to the best of her knowledge, this has not been done and she has never received an answer to her request. She stated that maybe a private entity should be looking at how to best utilize the building. **Christina Cuervo to handle.**

Fred Beckmann agreed to meet with Christina Cuervo to develop a plan. **Fred Beckmann and Christina Cuervo to handle.**

- C7W A Resolution Appropriating \$10,857.25 From The \$92 Million General Obligation Bonds (GOB), Series 2000, Fund No. 373 (Normandy Isle/Sud Neighborhood Improvements), As Recommended By The GOB Oversight Committee (General Obligation Bond), At Its Meeting Of February 4, 2002; Further Approving A First Amendment To An Existing Professional Services Agreement With Marlin Engineering, Inc., Dated February 21, 2001, For The Performance Of Traffic Count Data Collection Services; Said Amendment To Complete The Traffic Impact Study Needed For The Implementation Of A Normandy Sud Street Closure/Guard Gate Project And Comply With Requirements Of The Florida Department Of Transportation (FDOT).

(Public Works)

**ACTION: Resolution No. 2002-24756 adopted.** Patricia Walker to appropriate the funds. Fred Beckmann to handle.

- C7X A Resolution Authorizing The Mayor And City Clerk To Grant The Attached Easement To Florida Power & Light Company (FP&L) For The Provision Of Underground Distribution Facilities And A Transformer Vault At The Lincoln Place, Located At 1601 Washington Avenue; And Authorizing The Mayor And City Clerk To Execute The Easement For The Required Underground Facilities And Transformer Vault.

(Public Works)

**ACTION: Resolution No. 2002-24757 adopted.** Fred Beckmann to handle.

- C7Y A Resolution Approving The Continued Use Of Armor Security, Inc. For An Estimated Amount Of \$387,000, To Provide Security Guard Services On A Month-To-Month Basis Until Such Time That The City Awards A Contract For Same As A Result Of A Formal Bid Process.

(Procurement)

**ACTION: Resolution No. 2002-24758 adopted.** Fred Beckmann and Gus Lopez to handle.

- C7Z A Resolution Approving The Continued Use Of Miami Fire Equipment, Inc. For An Estimated Amount Of \$48,000, To Provide Fire Safety Systems Inspections And Maintenance Services On A Month-To-Month Basis Until Such Time That The City Awards A Contract For Same As A Result Of A Formal Bid Process.

(Procurement)

**ACTION: Resolution No. 2002-24759 adopted.** Fred Beckmann and Gus Lopez to handle.

**ADDENDUM ITEM:**

- C7AA A Resolution Authorizing The Mayor And City Clerk To Grant An Easement To Florida Power & Light Company (FPL), Subject To The Director of Public Works Prior Review And Approval, For The Provision Of Underground Distribution Facilities And A Transformer Vault At The South Beach Parking Garage, Located At 1041 Collins Avenue, And Authorizing The Mayor and City Clerk To Execute And Record The Easement For The Required Underground Facilities And Transformer Vault.

(City Manager's Office)

**ACTION: Resolution No. 2002-24760 adopted.** Fred Beckmann to handle.

End of Consent Agenda

**REGULAR AGENDA**

**R5 - Ordinances**

12:34:29 p.m.

- R5A    Parking Structures In Some Residential Zoning Districts To Serve Commercial Uses  
An Ordinance Amending Chapter 130, "Off-Street Parking" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 130-68, "Commercial And Non-Commercial Parking Garages"; To Include Provisions For Allowing Non-Residential Use Of Certain Parking Garages In RM-1 Districts, And Allowing Ground-Floor Commercial Uses Within Certain Parking Garages In RM-2 Districts; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:30 a.m. First Reading, Public Hearing.**

(Planning Department)  
(Continued From January 9, 2002)

**ACTION: Public Hearing opened and continued to April 10, 2002 at 10:30 a.m.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Garcia. Lilia Cardillo to place on the Commission agenda. Saul Frances and Jorge Gomez to handle.

City Clerk's Note: Referred to the Parking Workshop scheduled for March 25, 2002

**12:35:45 p.m.**

- R5B    An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; Providing For Repealer, Severability, Codification, And Effective Date. **10:45 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Luis R. Garcia, Jr.)  
(Continued From January 30, 2002)

**(Memorandum/Ordinance To Be Submitted In Supplemental)**

**ACTION: Public Hearing opened and continued to March 20, 2002 at 10:30 a.m.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Lilia Cardillo to place on Agenda.

City Clerk's Note: This item was scheduled to be heard at the Community Affairs meeting of February 15, 2002. The meeting was cancelled and will be rescheduled.

**12:36:07 p.m.**

R5C An Ordinance Amending Chapter 6 Of The Miami Beach City Code Entitled "Alcoholic Beverages," By Amending Section 6-40 Thereof Entitled "Total Nudity And Sexual Conduct Prohibited," By Adding Subsection (C) To Provide That Adult Entertainment Establishments Permitting Total Nudity Under Current Adult Entertainment Occupational Licenses That Obtain An Alcoholic Beverage License Shall Be Exempt From The Provisions Prohibiting Total Nudity At Alcoholic Beverage Establishments Under Section 6-40; Providing For Repealer, Severability, Codification, And Effective Date.

**11:15 A.M. Second Reading, Public Hearing.**

(Requested By Commissioner Simon Cruz)

(Continued From January 30, 2001)

**ACTION: Public Hearing opened and continued to April 10, 2002 at 10:45.m.** Motion made by Commissioner Cruz; seconded by Commissioner Gross; Voice vote: 7.0. Lilia Cardillo to place on Agenda. Jorge Gomez to handle.

Jorge Gomez and Gary Held explained that changes need to be made to the ordinance which may require it to come back for first reading.

**1:00:35 p.m.**

R5D Historic Preservation Board Review of RDA Demolition Permits  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," Article II, Boards, Division 4, Historic Preservation Board, Section 118-102(3), Powers And Duties, And Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," Section 118-563(I), "Review Procedure," To Make Historic Preservation Board Review Advisory To The City Commission For Certificates Of Appropriateness For Demolition For Properties Owned By The Miami Beach Redevelopment Agency; Providing For Repealer; Codification; Severability; And An Effective Date. **11:30 A.M. Second Reading, Public Hearing.**

(Planning Department)

(First Reading, Public Hearing On January 30, 2002)

**ACTION: Public Hearing held. Ordinance Number 2002-3349 adopted.** Motion made by Vice-Mayor Smith; seconded by Commissioner Cruz; Ballot vote: 5-2; Opposed: Commissioners Bower and Gross. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout:

1. Notice of Ad in Miami Herald



**4:10:28 p.m.**

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Adding Section 2-461 Entitled "Certain Relationships Of City Commission Members Prohibited," By Prohibiting Members Of The City Commission From Either Directly Or Indirectly Appearing, Representing, Contracting With Or Acting On Behalf Of A Party Other Than A Non Profit Entity With Respect To Any Matter Coming Before The City Commission; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading**  
(Requested By Vice-Mayor Jose Smith)  
(Deferred From January 30, 2002)

**ACTION:** Discussion held. **Ordinance approved on first reading as amended.** Motion made by Vice-Mayor Smith who accepted Commissioner Steinberg's amendment; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Legal Department to handle.

Jean Olin, First Assistant City Attorney, gave a verbal presentation and explained the ordinance.

**Amendment:**

Add a provision to the non-profit entity exception that members of the City Commission who have a relationship with a non profit entity cannot be paid by that entity.

Commissioner Steinberg asked why this ordinance is limited to matters coming before the City Commission, and requested the Legal Department to expand the ordinance to cover issues that come before the City, regardless of whether or not a Commissioner has worked on this issue and to apply it to anything coming before the City. This includes the Administration and all City boards and committees. Commissioner Bower stated that she would like to cosponsor this legislation.

**11:00:58 a.m.**

R5F An Ordinance Amending Miami Beach City Code Chapter 42 "Emergency Services," By Adding Section 42-1 Entitled "Minimum Staffing," Providing For Certain Minimum Emergency Equipment And Staffing Standards; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading**  
(Requested By Mayor David Dermer)  
**(Ordinance To Be Submitted)**

**ACTION:** Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Chief Jordan to handle.

Chief Jordan, Fire Chief, made a PowerPoint presentation on NFPA 1710 & Minimum Staffing which is included in the Agenda materials.

Jorge Gonzalez, City Manager, stated that neither he nor the Fire Chief have ever stated that more firefighters is not good for the City. They are simply stating that it does not have to be a law. He also stated that there was not a consensus reached at the Finance Committee meeting.

Murray Dubbin, City Attorney, stated that at this time the National Fire Protection Association Life Safety Code has been adopted, in its entirety, as part of the City Code. Standard 1710 is today part of the Code of the City.

Henry Kay, President of the Council of Condominiums, spoke in support of this ordinance.

Joe Fontana, President of the Homeowners and Condominium Alliance spoke in support of this ordinance.

Jack Richardson, President of the Fire Fighters Union, spoke.

Commissioner Bower asked what was going to be cut to fund this.

Jorge Gonzalez, City Manager stated that the City Administration will bring, at the time of the second reading, the funding options. He added that it would be wise to include a ramp-up period.

Vice-Mayor Smith stated compliance could be achieved gradually. The City is already in compliance 35% of the time. Perhaps within the first year compliance can be 66% and by the 2nd year full compliance.

Handouts:

1. Speakers list

**4:32:44 p.m.**

On item R5F, Murray Dubbin, City Attorney, stated that he advised the Commission that the Ordinance Code the City had adopted by reference to NFPA 1710, was based on the belief that Section 52 of the City Code, which adopted the NFPA Life Safety Code, was an amendment to the Life Safety Code. This was incorrect. This is a separate enactment of the NFPA.

**3:38:48 p.m.**

R5G An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," By Amending Article III Thereof, Entitled "Agencies, Boards, And Committees," By Amending Division 6, Entitled "Cultural Arts Council," By Amending Section 2-54, Entitled "Composition" And Section 2-55(c), Entitled "Appointment And Term Of Members"; Increasing The Number Of Members On The Council From Nine To Eleven Voting Members; Providing For Severability; Codification; Repealer; And An Effective Date.  
**First Reading.**

(Cultural Affairs & Tourism Development)

**ACTION: Ordinance approved on first reading.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. David Whitman to handle.

**3:49:17 p.m.**

R5H An Ordinance Creating Miami Beach City Code Section 70-45, Entitled "Camping Prohibited" Of Miami Beach City Code Chapter 70, Entitled "Offenses-Miscellaneous"; Providing For Definitions; Prohibiting Camping In Public Places Located Within The City; Providing For Enforcement; Providing For Penalties; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Neighborhood Services)

**ACTION:** Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 20, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Vivian Guzman to handle.

**3:40:08 p.m.**

R5I An Ordinance Amending Section 46-156(a)(2)(b) Of The City Of Miami Beach Code Entitled "Temporary Permits," To Provide For The Alignment Of Holidays Observed By The City Of Miami Beach With A Prohibition On Construction Activities In Residential Zones, Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Neighborhood Services)

**ACTION:** Discussion held. **Item deferred.** Motion made by Commissioner Gross to defer and have the Administration review all City holidays and its policies; seconded by Commissioner Bower; Voice vote: 7-0. Vivian Guzman to handle.

Motion by Commission Steinberg; seconded by Commissioner Bower. Discussion continued. Commission Steinberg withdrew his motion because he doesn't feel the ordinance was put into place to be consistent with the City's hours of operation but rather to avoid construction during holidays.

Commissioner Bower stated that the Administration should go back and make it consistent with all City holidays.

City Clerk's note: Construction in residential neighborhoods

**R6 - Commission Committee Reports**

- R6A Report Of The General Obligation Bond Oversight Committee Meeting Of February 4, 2002: **1)** Project Status Report: a) Beach Planting; b) Alton Road 20<sup>th</sup> Street, & Sunset Drive Intersection; c) Corradino Architecture/Engineer Fees - Scott Rakow Youth Center, Flamingo Pool Renovation And Expansion; And **2)** Informational Items: a) Updated Calendar Of Scheduled Community Design Workshops; b) Community Design Workshops Held In January 2002; c) CIP Office Charge Back Allocations.

**ACTION: Not reached.** Lilia Cardillo to place on Consent Agenda. Tim Hemstreet to handle.

- R6B Report Of The Land Use And Development Committee Meeting Of February 5, 2002: **1)** Discussion On The Concurrency Procedures; **2)** Review Of Ordinance Dealing With Proposed Procedure For The Demolition Of Single Family Homes; **3)** Discussion On Use Of Mr. Richard Shindler's Property (715-82nd Street) As A Real Estate Management Office; And **4)** Review Of Proposed Ordinance Amending Design Review Board Voting Requirements.

**ACTION: Not reached.** Lilia Cardillo to place on Consent Agenda. Tim Hemstreet to handle.

1. Motion directing the Administration to prepare a policy for City Commission approval for existing structures of 2,500 sq. ft. or less to be able to receive a concurrency credit based on the last use of the property regardless of the amount of time said use has been idle. Secondly, create an Ad Hoc Citizen Committee to participate in the review and discussion of the City Concurrency Management System and to assist with community and business outreach. **Joseph Johnson to handle.**

**City Clerk's Note:** R6B (1): See item R7B (Ad Hoc Committee) and R7G (Existing structures of 2,500 sq. ft.)

- R6C Verbal Report Of The Community Affairs Committee Meeting Of February 15, 2002: **1)** Discussion Regarding Legislation (1) Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, (2) Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And (3) The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **2)** Special Events Policy Regarding Markets; **3)** Discussion Regarding Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service", Prohibiting Certain Post-Employment Activity Of City Officers Or Employees For A Period Of Two Years After Leaving City Employment; **4)** Discussion Regarding Review And Recommendation On A Citizen's Request To Televise, On Government Channel 20, Meetings Of The City Commission Committees; **5)** Discussion To Review And Enhance The Banner Approval And Placement Criteria; And **6)** Discussion Regarding The Use And Need Of The Nuisance Abatement Board.

**ACTION:** The Community Affairs Committee Meeting Of February 15, 2002 was cancelled and will be rescheduled.

- R6D Verbal Report Of The Joint Finance & Citywide Projects And Neighborhoods Committee Meeting Of February 19, 2002: **1)** Discussion Regarding A West Avenue/Dade Boulevard Proposed Connector Bridge; **2)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 42 "Emergency Services," By Adding Section 42-1 Entitled "Minimum Staffing," Providing For Certain Minimum Emergency Equipment And Staffing Standards; Providing For Repealer, Severability, Codification, And Effective Date; And **3)** To Discuss Petitions From A Majority Of The Property Owners Of The Star, Palm And Hibiscus Islands And Sunset Islands 3 & 4 To Consider The Establishment Of Special Assessment Areas To Provide Financing For The Undergrounding Of Overhead Utilities.

**ACTION: Not reached.** Lilia Cardillo to place on Consent Agenda. Patricia Walker and Vivian Guzman to handle.

### R7 - Resolutions

**3:12:59 p.m.**

- R7A A Resolution Authorizing The Administration And City Attorney's Office To Proceed With The Creation Of Special Assessment Areas, Also Known As Special Assessment Districts, Pursuant To The Provisions Provided In Chapter 170 Of The Florida Statutes, For The Purpose Of Funding The Relocation Of Overhead Utility Lines Underground, On Either A Portion Or All Of Hibiscus Island, Palm Island, Sunset Island 3 And Sunset Island 4, Respectively, Pursuant To The Written Request Of The Property Owners Of Those Islands; And Authorizing The City Manager, Or His Designee, To Make All Necessary Preparations To Implement This Intent.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2002-24761 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Vice-Mayor Smith. Robert Middaugh, Patricia Walker and Legal Department to handle.

**1:00:20 p.m.**

- R7B A Resolution Establishing A Citizens Ad Hoc Committee To Participate In The Review Of The City Of Miami Beach Concurrency Management System.  
(City Manager's Office)

**ACTION: Resolution No. 2002-24762 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7 0. Fred Beckmann to handle.

City Clerk's Note: See Item R6B(1). Ad Hoc committee 14 members with two appointments to be made directly by the Mayor and each member of the Commission (one appointment a resident and one appointment a member of the business community).

Handout:

1. Letter from Cede Davis, to Joseph Johnson, dated February 22, 2002, RE: Concurrency Management

**2:54:31 p.m.**

R7C A Resolution Appropriating An Additional \$1,473,800 To The Reserve For Contingencies In The General Fund (11% Emergency Reserve) From The Undesignated Fund Balance Of The General Fund.  
(Finance Department)

**ACTION: Resolution No. 2002-24763 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 4-0; Absent: Vice-Mayor Smith and Commissioners Cruz and Garcia. Patricia Walker to appropriate the funds.

**2:58:36 p.m.**

R7D A Resolution Establishing A Capital Projects Reserve In The General Fund And Appropriating \$1,500,000 Of Fiscal Year 2000-2001 General Fund Earnings From The General Fund Undesignated Fund Balance.

(Finance Department)

**ACTION: Resolution No. 2002-24764 adopted as amended.** Motion made by Commissioner Bower with Vice-Mayor Smith's amendment; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Vice-Mayor Smith. Patricia Walker to appropriate the funds.

**AMENDMENT:**

Amendment made by Vice-Mayor Smith indicating that any excess of General Fund revenues over expenditures, by September 30, be used to increase the Contingency Reserve, and that rather than 50% going to the Capital Reserve Fund and 50% to the General Fund, that any balance of such earnings be placed into the Capital Reserve Fund with the amount to be determined and recommended by the Administration on an annual basis.

Jorge Gonzalez, City Manager, explained that to draw on this fund, the Administration would request an appropriation from the Commission. The Administration will try to develop criteria which will govern how these monies are used. This is a pot of last resort money. Every other funding method will be explored before using this money for capital projects. Patricia Walker to handle.

**4:34:11 p.m.**

R7E A Resolution Endorsing A Traffic Safety Study/On-Street Parking Analysis For A1A Harding Avenue, From 75th Street To 88th Street, Prepared By The Florida Department Of Transportation (FDOT), Pursuant To A City Request; And Further Endorsing "Alternative Four" Of The Study For Inclusion As A Proposed Project In The FDOT Work Program, As A Potential Solution To Existing Traffic Safety Issues On Harding Avenue.

(Public Works)

**ACTION: Item deferred.** Motion made by Commissioner Gross to defer this item until the community has been informed and their input considered; seconded by Commissioner Bower; Voice-vote: 7-0. Fred Beckmann to handle.

Commissioner Steinberg stated that the last WHEREAS clause in the resolution dealing with the DPZ Plan needs to be incorporated into the THEREFORE clause.

Commissioner Bower wants to know if the neighbors in the area are aware that they are losing 90 parking spaces. Commissioner Bower wants to make sure that the residents see the design.

Fred Beckmann stated that the Duany Plater-Zyberk Plan (DPZ) proposes to transform Collins Avenue into a two-way Street and Harding Avenue into a neighborhood two-way street.

Commissioner Garcia stated that he does not see the benefit in taking one lane from each side of Harding Avenue. He gave suggestions on the street corner design and stated that the City does not want to encourage jaywalking. He asked if bulb-outs are included in the plan and expressed his concern about eliminating 90 parking spaces in an area where construction will create more parking problems. He added that to go back to the community now and tell them that they will be losing 90 spaces is narrow-minded.

Fred Beckmann explained that the Parking Department has alternatives on how to provide additional parking in the area.

Vice-Mayor Smith commended Joseph Johnson and the Administration for their work in this area. This plan addresses most of the community's concerns.

**5:47:31 p.m.**

R7F A Resolution Establishing A Public Safety Advisory Committee And Defining Its Purpose.  
(City Manager's Office)

**ACTION: Resolution No. 2002-24765 adopted.** Motion made by Vice-Mayor Smith and Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Chief De Lucca and Chief Jordan to handle.

Commissioner Garcia explained that his vision of the committee is to create a constituency for public safety that would help evaluate the City's defenses and it would have advisory capabilities. This committee could apply for available grants.

Jorge Gonzalez, City Manager, stated that his item went to the Community Affairs Committee (CAC). The recommendation of the CAC was that a task force be convened of individuals interested or participating in public safety or community safety, or community readiness such as the Red Cross, hospitals, etc. This has been done. Secondly, the CAC suggested a separate advisory board to the City Commission that would be appointed by the Commission. That is what is before you today. The advisory board to the City Commission would discuss safety matters in a global manner, such as hurricane preparedness, community response teams, risk assessment relative to public safety, etc. The advisory board will not deal with issues such as staff deployment by the Police and Fire Departments or other operational areas.

Chief De Lucca explained the charge of the Police Public Safety Committee.

Commissioner Garcia stated that Public Safety Committee needs to incorporate not only the Police but the Beach Patrol and the Fire Department as well.

Mayor Dermer instructed the Administration to bring back an ordinance establishing a Public Safety Committee with ex-officio membership which will have the necessary expertise. He asked that the Safety Committee and the Police Citizens Relations Board be left alone for now.

Jorge Gonzalez, City Manager, stated that he believes this resolution does exactly what an ordinance would do.

City Clerk's Note: The Committee shall be constituted for a period of one (1) year with the Commission opting to extend this period at the conclusion of the one (1) year in which the Committee has met.

Handout:

1. Document titled: Public Safety Task Force Meeting November 7, 2001 Attendees



**12:40:07 p.m.**

R7G A Resolution Accepting A Recommendation Made By The Land Use And Development Committee, And Adopting A Policy Whereby Existing Vacant Retail Spaces Of 2,500 Square Feet Or Less, Shall Receive A Concurrency Credit, Not To Exceed 100 Trips Per Day, Based On The Last Legal Use Of The Space, Regardless Of The Amount Of Time Said Space Has Been Inactive; This Credit Not Being Available To Newly Constructed Spaces.

(City Manager's Office)

**ACTION: Resolution No. 2002-24766 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer. Joseph Johnson to handle.

Robert Middaugh, Assistant City Manager, made the oral presentation.

Commissioner Gross explained that it is unfair for small businesses to go into a location that had been closed for over a year and be accessed a concurrency fee.

Commissioner Garcia stated that he found out that the City sets the fees for concurrency, and the City's fees are one of the highest in the country. The City needs relief for the small businesses and we need to be more "merchant friendly." He asked the City Manager what could the City Commission do to make this a friendlier ambiance for people that have not come in front of the Commission or publicized their problems.

Jorge Gonzalez, City Manager stated that what is being discussed is a policy decision the City Commission needs to make. The Administration then implements the policy. If the policy of this body is that, we do not have concurrency and we do not have fees, we won't access the fees. A previous City Commission decided that concurrency fees are appropriate. The fees have been established by this Commission; we assess the fees. There are consequences associated with this decision. What this Administration is proposing to do is to undertake the review and bring back to the Commission recommendations on ways to enhance it. This committee is established in a way that both the residents and the merchants will be heard and a recommendation will be made.

Vice-Mayor Smith stated that our fees need to be fair and comparable with other municipalities.

Commissioner Bower stated that the Committee needs to be composed of merchants and residents and appointed by the Commission.

Commissioner Gross stated that concurrency fees are mandated by State law to help fund traffic enhancements.

City Clerk's Note: See R6B (1).

**4:49:47 p.m.**

R7H A Resolution Mitigating Fines For The Seacoast 5151 Condominium Association, Inc. In The Amount Of \$624,361.39 With The Resulting Fine to Settle The Matter In The Amount Of \$10,000.

(City Manager's Office)

**ACTION: Resolution No. 2002-24767 adopted as amended.**

Motion made by Commissioner Gross to approve the settlement agreement; seconded by Commissioner Bower. Discussion continued.

Commissioner Bower withdrew her second.

Motion made by Commissioner Bower to reduce the fine to zero (0); seconded by Commissioner Garcia; Voice vote: 7-0. Robert Middaugh and R. Parcher to handle.

Commissioners Gross and Bower requested that the noticing of the violations be reviewed so that not only is the association or management company notified of the violation, but the residents as well. **Al Childress, Phil Azan and Chief Jordan to handle.**

Handout:

1. Letter from Carter N. McDowell to Honorable David Dermer, Mayor, dated February 20, 2002, RE: Item R7H, Seacoast 5151 Condominium Association of the Commission Agenda of February 20, 2002

**5:10:25 p.m.**

R7I A Resolution Approving The Settlement Of Code Enforcement, Fire And Building Liens On The Property Located At 2925 Indian Creek Drive And Further Authorizing The Mayor And City Clerk To Execute Any And All Documents Necessary To Effectuate The Settlement.

(City Manager's Office)

**ACTION: Resolution No. 2002-24768 adopted as amended.** Motion made by Vice-Mayor Smith; seconded by Commissioner Gross; Voice-vote 7-0. Robert Middaugh and R. Parcher to handle.

Robert Middaugh, Assistant City Manager, gave an oral presentation.

Commissioner Gross stated that the Commission should emphasize to the Code Enforcement Department that the objective is to achieve compliance and not accumulate these fines, especially when the issue is not life threatening.

Jorge Gonzalez, City Manager, stated that he has personally delivered the message to the Code Compliance Department that the emphasis is on compliance and not on collecting revenues.

**Amendment: (Vice-Mayor Smith)**

1. In the Now Therefore clause add section "F": The Lien mitigation shall be further conditioned upon the actual property closing financial statement being substantially as represented to the City and as provided to the Commission in draft form, and that the property purchaser shall provide the City with an affidavit stating that the property closing financials statement represents the entire financial transaction between the purchaser and seller of the property.

2. 4th Whereas clause should replace "will spend approximately \$500,000 to rehab.....," with "will spend no less than \$500,000 to rehab....."

3. The "spend no less than \$500,000 to rehab...." needs to be incorporated into the Now Therefore Clause.

Vice-Mayor Smith stated that in some cases it is appropriate to file for foreclosure in order to achieve compliance. Common sense needs to be practiced. He trusts that the City Manager will make the right

decision on these issues.

Commissioner Gross stated that Code Inspectors need to use common sense in Code Compliance; however, the buildings that are completely neglected, then be forceful.

Vice-Mayor Smith recommends the City set up reasonable criteria to come up with the proper fines for the proper violations.

**Motion made by Commissioner Garcia to refer the issues of code enforcement criteria, existing code enforcement laws, and lien to a joint meeting of the Land Use and Development Committee and the Neighborhoods Committee; seconded by Commissioner Gross; Voice-Vote 6-0; Absent: Commissioner Cruz. Jorge Gomez, Vivian Guzman and Ramiro Inguanzo.**

City Clerk's Note: See additional information supplied via Supplemental Materials.

**6:16:26 p.m.**

R7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To Request For Qualifications (RFQ) 54-00/01, To Provide Architectural, Engineering Services For Streetscape, And Utility Improvements, With Regard To The Completion Of Final Design/Engineering Plans For A Modified Roadway Project Resurfacing, Repaving And Restoration (RRR) On SR A1A/Collins Avenue From 5th To 15th Street; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Firm Of EAC Consulting Inc.; And If Unsuccessful In Negotiating A Contract With The Most Qualified Firm, Authorizing The Administration To Enter Into Negotiations With The Second Most Qualified Firm Of Marlin Engineering, Inc.; And If Unsuccessful In Negotiating A Contract With The Second Most Qualified Firm, Authorizing The Administration To Enter Into Negotiations With The Third Most Qualified Firm Of The Corradino Group.

(Public Works)

**(Resolution To Be Submitted)**

**ACTION: Resolution No. 2002-24769 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Gross. Tim Hemstreet to handle.

City Clerk's Note: Resolution submitted via Supplemental Materials.

**1:05:35 p.m.**

R7K A Resolution Approving Modifications To The Scope Of Work On The Bayshore Golf Course Project To Address Required Changes On The Grass Type, The Irrigation Water Source, Landscaping And The Method Of Soil Treatment Prior To Planting; Authorizing Additional Services, In Amount Submitted With Supplemental Material, To The Firm Of Arthur Hills/Steve Forrest And Associates; And Authorizing A Change Order, In Amount Submitted With Supplemental Material, To The Firm Of TDI International, Inc., To Be Funded From The Previously Appropriated Project Contingency And The General Fund Undesignated Fund Balance.

(Public Works)

**(Resolution To Be Submitted)**

**ACTION: Resolution No. 2002-24770 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Smith; Voice vote: 6-1; Opposed: Commissioner Garcia. Kevin Smith and Tim Hemstreet to handle.

Commissioner Garcia expressed his concern regarding two irrigation systems, one system for the golf course and one for the surrounding flowers and plants will require City water. He stated that a desalinization process for irrigation would be better because only one watering system would be needed. In addition, he is not in favor of putting poison on the ground for environmental reasons.

Robert Middaugh, Assistant City Manager, stated that the engineers have investigated the alternatives and this process will be the best one in the long term. It is also sensitive to the ecology because it uses brackish water rather than fresh City water.

Commissioner Gross asked if it is possible to introduce at this time, as an amenity for the residents, a walkway around the edge of the golf course. **Tim Hemstreet to handle.**

City Clerk's Note: Resolution submitted via Supplemental Materials.

**R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.

(City Clerk's Office)

**Barrier Free Environment Committee**

Cory Di Geronimo term expires 12/31/03 appointed by Commissioner Steinberg

**Community Development Advisory Committee:**

**Per Commissioner Steinberg's Office, Matthew Krieger resigned.**

Sol Genet term expires 12/31/03 appointed by Commissioner Steinberg

**Convention Center Advisory Board**

Victor Bao term expires 12/31/03 appointed by Mayor Dermer

**Convention Center Capital Projects Oversight Committee:**

Leon Manne term expires 12/31/03 appointed by Commissioner Smith

**Debarment Committee:**

Matthew Krieger term expires 12/31/03 appointed by Commissioner Steinberg

**Health Advisory Committee:**

See Agenda item R9A1.

**Marine Authority:**

Bernie Navarro term expires 12/31/03 appointed by Commissioner Cruz

**Police Citizens Relations Board:**

Rabbi Pinchas A. Weberman term expires 12/31/03 appointed by Mayor Dermer  
Carl Zablony term expires 12/31/03 .appointed by Mayor Dermer

**Safety Committee:**

Manuel Warszawski term expires 12/31/03 appointed by Mayor Dermer  
Sixto Sierra term expires 12/31/02 appointed by Mayor Dermer

**Youth Center Advisory Board**

Moni Cohen term expires 12/31/03 appointed by Commissioner Smith  
Anita Grossman term expires 12/31/03 appointed by Commissioner Bower

**6:17:23 p.m.**

R9A1 Nominate Dr. Gullo To Serve On The Health Advisory Committee.  
(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION:** Motion made by Commissioner Garcia to appoint Dr. Gullo to the Health Advisory Committee, term expires 12/31/03; seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Gross. R. Parcher to handle.

**1:35:03 p.m.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

**Bonnie Lerner:** She is a local psychotherapist that wears other hats. She mentioned something from the Bible that when someone crosses someone else's path, happiness should be what is left. She loves Miami Beach with its different languages and different flavors. She asked the Commission how they liked the tarts. She wants her desserts to be the official desserts of the City of Miami Beach. She would like to be the ambassador of good will, a/k/a the ambassador of "soft warm fuzzies." She believes that the more love you spread, the more love you get back. She appreciates all the money the Commission is saving the citizens, all the work that they are doing, and she agrees with Commissioner Gross that the color with which the Convention Center was painted should not be red it should be deco, but it is already painted and we need to save the money.

**Jo Asmundsson:** She has driven by Indian Creek Drive and for the first time was able to see a building being erected by the 63rd Street flyover. She wants to know why is it being built right where the road is going to be widened when they knock down the fly-over to build the pump station. Does that mean we are going to have to knock down the pump station to accommodate it? Commissioner Steinberg stated that the plans do not include any widening of the road south bound.

**5:59:08 p.m.**

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:**

**Peter Graves:** spoke on the City Charter Section 2.03 "Powers of the City Commission." He stated that the Commission may also investigate official acts and conduct of a city official and that the City Commission shall have the power to remove the city manager by a majority vote. He asked to see with a show of hands who had read his letter with the enclosures and who was in favor of placing the dismissal of the City Manager for discussion on the March 20th agenda. Mayor Dermer stated that he is there to speak and if any members of the Commission or the City Manager want to respond, they could. Mr. Graves asked what was the procedure to place an item on the agenda, and Mayor Dermer stated that either the City Manager or any member of the Commission can place an item on the agenda. Mayor Dermer stated that he will be speaking with the City Manager and the Chief of Staff on this, but this could be frivolous and non-meritorious.

**Handout:**

1. Letter from Peter Graves-Goodman to The Honorable Mayor Dermer and City Commissioners, dated January 22, 2002, RE: Request for a formal investigation by the City Commission, of the City Manager, Jorge Gonzalez, for "conduct detrimental to the running of the city," placed on the agenda for the next commission meeting.
2. Letter from Jorge M. Gonzalez, City Manager, to Peter Graves-Goodman, dated July 10, 2001, RE: 1606 Jefferson Avenue and a letter to same dated October 11, 2001.
3. Blue covered document of attachments from Peter Graves-Goodman titled "Enclosures"; dated 1/22/02 to Mayor and Commissioners, subject: Request for a formal investigation by the City Commission of the City Manager.

**Minnette Benson:** She asked whether the Sutnick Hour, which has always been the first item after lunch, is not going to be held at 1:30 p.m., regardless of whether lunch has taken place or not. Mayor Dermer stated that they try to adhere to the times listed on the agenda, not necessarily after lunch. She read a resolution passed by the Transportation and Parking Committee. This is in reference to the 63 Street project. It requests the City Manager and FDOT to provide frequent and ongoing updates to this committee including time lines, graphic renderings, etc.

If some members of the Commission admit in public that they do not understand the concurrency issues, then the community definitely does not understand the issue. She asked that the Commission have community meetings televised starting in March to let the community know where they are on these projects and continue the dialogue. The silence on public inquiring is deafening. Minnette Benson suggested a workshop to explain concurrency. Mayor Dermer stated that simplifying the language on the concurrency policy is a good idea and stated that the City Manager will take her comments to heart.

**Torquill Smith:** He stated that it was unfortunate that the February meeting of the Committee of the Homeless were cancelled because of the Boat Show. He wants consideration given that when there is a conflict, the committee meeting be held sometime during the month. He urged the members of the Commission if they have not made an appointment to this committee, to do so now.

**Carlos Gonzalez:** Mr. Gonzalez accused the Commissioners of taking care of the rich and the powerful and forgetting the little people. He spoke about the illegal immigrants that work without papers at the hotels. They do not look like immigrants because they have "yellow hair." They get paid almost nothing. He added that there needs to be an investigation by the INS.

**3:50:45 p.m.**

R9C Discussion Regarding The Bay Link Project Update.  
(Requested By Vice-Mayor Jose Smith)

**ACTION: Item deferred until after the Commission Workshop. Fred Beckmann to handle.**

**4:30:54 p.m.**

R9D Discussion And Action Relating To Level Nightclubs' Advertisements And Promotions Regarding Their March 17, 2002 Concert.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION: Discussion held. No action required.**

Commissioner Bower discussed the letter she received from Level Nightclub stating that they will be limiting access to the nightclub to 21 and older.

Handout:

1. Fax from Noah Lazes, President of ARK of Miami, Inc, to Ramiro Inguanzo, Chief of Staff, dated February 7, 2002, RE: Nelly Furtado @ Level and also a letter from John Caras, Director of Solution Managers, ClearChannel Worldwide, dated February 7, 2002, RE: Nelly Furtado / :Level

**3:38:07 p.m.**

**3:53:13 p.m.**

R9E Discussion Regarding The Impact The Ordinance Prohibiting Selling Of Alcohol After 11:00 p.m. Has Had On Businesses.

(Requested By Commissioner Luis R. Garcia, Jr.)

**ACTION: Discussion held.** Motion made by Commissioner Bower to refer the issue to the Neighborhood Committee and to review changing the hours from 11:00 p.m. to midnight and if the Committee recommends approval, instruct the Administration to prepare an ordinance for March 20 Agenda; seconded by Commissioner Garcia; Voice vote 7-0. Vivian Guzman to place on the committee agenda.

Vice-Mayor Smith has not seen statistics from the Police Department on what the effect of such a change would be, nor has he seen any information from the merchants as to whether or not they are losing substantial amounts of revenues because of the implementation of the ordinance. He would like to review the data before this is changed. Chief De Lucca to handle Police Department statistics.

Commissioner Bower also would like to see more information on this issue.

**3:36:53 p.m.**

R9F Discussion And Referral To The Community Affairs Committee Regarding Broadcasting On Cable Channel 20 City Of Miami Beach Board And Commission Meetings In Both English And Spanish.

(Requested By Richard L. Steinberg)

**ACTION: Discussion held.** Motion made by Commissioner Steinberg to refer to the Community Affairs Committee; seconded by Commissioner Bower; Voice vote: 7-0. Mayra Diaz Buttacavoli to place on the Committee agenda. R. Parcher to handle.

Commissioner Cruz requested to see the various options and associated costs.

**3:32:10 p.m.**

R9G Discussion Regarding The Experimental Parking Proposed For The Flamingo/Lummus G.O. Bond Neighborhood Improvement Program On Euclid And Pennsylvania.

(Requested By Richard L. Steinberg)

**ACTION: Discussion held.** Motion made by Commissioner Bower to refer to the Parking Commission Workshop scheduled for March 25; seconded by Commissioner Garcia; Voice vote 7-0. Saul Frances to handle.

Commissioner Bower requested the residents of the area be notified of the Workshop.

Handout:

1. Letter from Michael D. Kinerk, Chairman, Miami Design Preservation League, to Mayor Dermer and Commission, dated February 19, 2002, RE NOT to destroy our neighborhoods with shortsighted, Band-Aid remedies for our parking issues.



**3:29:15 p.m.**

R9H Discussion Regarding The Creation Of An Aircraft Noise And Pollution Abatement Task Force.  
(Requested By Mayor David Dermer)

**ACTION: Discussion held.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote 7-0.

Mayor Dermer stated that this Committee is subject to the Sunshine Laws, there is to be no City staff support, meetings are to be noticed, five (5) members to be appointed by the Mayor, and sunsets in 2 years.

**3:16:20 p.m.**

R9I Discussion Relative To LNR Property Corporation Relocation To Lincoln Place.  
(City Manager's Office)

**ACTION: Discussion held.** Motion made by Commissioner Bower to refer this item to the Finance and Citywide Projects Committee; seconded by Commissioner Cruz. Commissioner Gross requested to expand the scope of the referral to try to attract corporate business to the beach; Voice vote 6-0; Absent: Vice-Mayor Smith. Patricia Walker to place on the Committee agenda. Christina Cuervo to handle.

Christina Cuervo, Assistant City Manager, stated that because of timing this item needs to be placed on the March 20 Agenda. Lilia Cardillo to place on Agenda.

**3:22:34 p.m.**

R9J Discussion/Referral To The Planning Board, An Ordinance Imposing A Maximum Building Height Of 35 Feet On Lots In The RPS-4 Zoning District Which Have A "Contributing" Structure.  
(Requested By Commissioner Saul Gross)

**ACTION: Discussion held.** Motion made by Commissioner Gross to refer to the Planning Board; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Garcia. Jorge Gomez to place on the Committee agenda.

**1:31:14 p.m.****Addendum:**

R9K Discussion Regarding A Resolution Supporting Proposed Legislation To Receive The Excessive Windstorm Insurance Rates On Coastal Communities And Urging The Florida State Legislature To approve Said Measures.

(Requested by Mayor Dermer)

**ACTION: Discussion held. Resolution No. 2002-24774 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Mayor Dermer to transmit to Senator Silver, Representative Heyman and other coastal cities.

**ADDENDUM ITEM****10:26:18 a.m.**

R9L Discussion item in reference to the letter received from the State Legislature in reference to renaming a portion of Collins Avenue from 41st to Lincoln Road.

**ACTION:** Motion made by Commissioner Bower to reject co-naming of Collins Avenue; seconded by Vice-Mayor Smith; Ballot vote 4-2; Opposed Commissioners Cruz and Garcia; Absent: Commissioner Gross.

Mayor Dermer stated that the Commission can give a recommendation, but we do not have jurisdiction.

Commissioner Bower and Vice-Mayor Smith both disapprove of the renaming of any City's streets.

Mayor Dermer stated that he supports the renaming only on a very small portion of Collins Avenue by the Fontainebleau Resort.

**6:32:23 p.m.**

Discussion continued.

Commissioner Garcia agrees with renaming 44<sup>th</sup> Street after Morris Lapidus.

Motion made by Commissioner Bower to reject co-naming of Collins Avenue; seconded by Vice-Mayor Smith; Ballot vote 4-2; Opposed by Commissioners Cruz and Garcia; Absent: Commissioner Gross.

Handout:

1. Voting ballot
2. Fax letter from Robert Parcher, City Clerk, to Senator Silver, via Fax, dated February 20, 2002, RE: State Road Designation, Senate Bill 1430 and House Bill 159

**Reports and Informational Items**

A City Attorney's Status Report.  
(City Attorney's Office)

**ACTION: Written report submitted.**

B Parking Status Report.  
(Parking Department)

**ACTION: Written report submitted.**

- C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.  
(Procurement)

**ACTION: Written report submitted.**

**6:18:13 p.m.**

- F Status Report On Dialogue With RDP Royal Palm Crowne Plaza.  
(City Manager's Office)

**ACTION: Oral report submitted.**

Jorge Gonzalez, City Manager, reported that this would be a much longer process than was originally anticipated. It is recommended that the Administration have outside counsel. The City Attorney will select the outside counsel.

Commissioner Cruz suggested that an outside counsel be hired who has had no involvement with the issue. The Commission wants to be fair to the City and to Mr. Peebles.

Vice-Mayor Smith wants to know what is the attorney going to do. Murray Dubbin stated that the outside counsel will review the legal documents and participate in any negotiations. This person will use his or her best judgement in representing the City. Vice-Mayor Smith asked if this same attorney will participate if the City goes into litigation. Murray Dubbin, City Attorney, responded that he would look for an outside counsel that can handle litigation or can assist the City Attorney's Office with the litigation. He is not prepared to say that the City Attorney's Office will not handle it. There is no real reason to concern ourselves with this right now.

Jorge Gonzalez, City Manager, stated that it is important that we have the services of outside counsel available to us to make sure that we are not overlooking things that might be overlooked or are not agreeing to things we should not be agreeing to as we proceed forward. Having someone that has not been involved is a good way of bringing some independence and impartiality to the equation.

- G Public Hearings Before The Planning Board For The Regular Meeting Of February 26, 2002.  
(Planning Department)

**ACTION: Written report submitted.**

**5:43:26 p.m.**

- H Nightlife Industry Task Force - "Nite" Status Report.  
(City Manager's Office)

**ACTION: Written report submitted.**

Motion made by Commissioner Bower, with respect to the upcoming Winter Music Conference, to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 am liquor license to 7:00 am (on Friday, March 22, 2002 and Saturday, March 23, 2002), and to be allowed to serve alcohol. Any club, which will remain open, must notify the Police Department and Code Compliance by letter by Monday, March 18. If there are any problems during the weekend, this action may be rescinded by the City Manager; seconded by Commissioner Garcia; Voice vote: 7-0. Al Childress and Chief De Lucca to handle.

Christina Cuervo, Assistant City Manager, stated that this task force is now governing themselves under the Sunshine law, as requested by the Commission.

Mayor Dermer asked Christina Cuervo to speak with the members of the Task Force to request the promoters not to pass flyers on the beach. **Christina Cuervo to handle.**

**5:38:13 p.m.**

- I Status Report On The Washington Avenue Streetscape Master Plan Project.  
(Requested By Commissioner Saul Gross)

**ACTION: Written report submitted.**

Robert Middaugh, Assistant City Manager, made an oral presentation.

Commissioner Gross stated that this project is six (6) years old. Every time we get a schedule is the same story. Cost has increased with inflation and now the funds allocated are not enough. This new team needs to clean up the mess done by somebody else. He urges them to move this project as quickly as possible because it is long over due. Tim Hemstreet to handle.

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
February 20, 2002**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL: Mayor and all Commissioners present.

**1:34:45 p.m.**

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Months Of November And December, 2001.  
**(Submitted Under Separate Cover)**

**ACTION: Written report submitted.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote 7-0.

Meeting adjourned at 6:43:48 p.m.

End of RDA Agenda